

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL ACTION
VERSUS	*	NUMBER: 11-105
ANAHIT HOVHANNISYAN HEALTH GUARD, INC.	*	SECTION: "I" (3)

* * *

FACTUAL BASIS

If this matter were to proceed to trial, the government would establish the following facts through the introduction of competent evidence:

Opening of the Clinics

Self-authenticating corporate records would be introduced to establish that **HEALTH GUARD, INC. (HEALTH GUARD)** was a health care clinic incorporated by **ANAHIT HOVHANNISYAN. (HOVHANNISYAN)**.¹ Medicare and Medicaid representatives would testify that **HEALTH GUARD** operated from December 2009 through December 2010.

Documentation from Clearview Storage would establish that on December 1, 2010, Vadim Mysak (Mysak) leased a storage unit. Once **HEALTH GUARD** and the Clinics, closed, the patient files of those Clinics were put in storage.

¹Health Plus, Saturn, New Millennium, Metairie Health and **HEALTH GUARD** will, also, be referred to, collectively, as the "Clinics."

Medicare and Medicaid Enrollments

Kimberly Sullivan, Section Chief of Program Integrity at the Louisiana Department of Health and Hospitals, would testify that UNISYS Corporation was a fiscal intermediary that processed Medicaid claims and reimbursed providers for rendering services to qualified Medicaid recipients. Sullivan would testify that effective May 1, 2010, Molina Healthcare purchased the Health Information Management division of UNISYS Corporation and, with that acquisition, the Louisiana Medicaid fiscal intermediary transitioned from UNISYS to Molina Medicaid Solutions (Molina). Wendy Naquin would testify that Pinnacle Business Solutions, Inc. (Pinnacle) was a company that contracted with Medicare to process claims and provider enrollment. Ms. Sullivan and Ms. Naquin would both testify that Medicare and Medicaid were health care benefit programs as that term is defined in Title 18, United States Code, Section 24(b).

Kimberly Sullivan, on behalf of UNISYS, and Wendy Naquin, on behalf of Pinnacle, would each testify and establish that provider identification numbers were obtained by **HEALTH GUARD** so that Medicaid and Medicare could be billed for services provided by Dr. Yelena Ivanova to eligible beneficiaries. **HOVHANNISYAN** entered into provider agreements with Medicaid and Medicare on behalf of their respective clinics and agreed to comply with Medicare and Medicaid criteria, rules, regulations, and internal procedures and to abide by all the policies and regulations of Louisiana's Medicaid Program. Documentation from Medicare and Medicaid would establish that Dr. Ivanova, the **HEALTH GUARD** physician, assigned her rights to bill to **HEALTH GUARD**.

Julia Parkulab would testify that, in November 2009, she was working as a technician at

Health Plus, a clinic owned by Aram Khlgatian located at 2424 Williams Blvd., Suite K, in Kenner, Louisiana. At that time Health Plus was renamed “**HEALTH GUARD**” and the new owner became **HOVHANNISYAN**, who she believed was a friend of Khlgatian’s from California.

Anna Aivazova would testify that she owned a billing company, Solo Lucky, that prepared Medicare and Medicaid enrollment documentation. She would testify about meeting with **ANAHIT HOVHANNISYAN** who needed assistance with provider paper work to open up **HEALTH GUARD**. Aivazova would testify that Aram Khlgatian, owner of Health Plus, arranged a meeting between Aivazova and **HOVHANNISYAN** at a Starbucks when Aivazova gave **HOVHANNISYAN** the necessary forms for enrollment. Aivazova would testify that she was under contract as the third party biller with **HEALTH GUARD**. Vadim Mysak and Aivazova would testify that, once **HEALTH GUARD** began operating, **HOVHANNISYAN** began organizing the superbills and order forms and faxing them to Solo Lucky at the end of each day. Aivazova would testify that she submitted billing to Medicare and Medicaid that she knew was falsely completed by Dr. Ivanova because she knew that **HEALTH GUARD** did not possess all of the equipment necessary to conduct the tests for which she billed.

Several witnesses would testify how they became aware that **HOVHANNISYAN** was the owner of **HEALTH GUARD**. On the morning of April 6, 2010, Annie Alford and several other Medicaid investigators and analysts went to **HEALTH GUARD**. The analysts first had to speak to the owner of **HEALTH GUARD**, identified by receptionist Leslie Bennett as **ANAHIT HOVHANNISYAN**. After identifying themselves to **HOVHANNISYAN** and explaining the purpose of the visit, the analysts were led to an area where they set up a copier and began to pull

and copy the requested medical records.

Jerayr Rostamian would testify that he was the owner of Med Tech Technologies who provided **HEALTH GUARD** with diagnostic testing equipment. He would explain that he provided falsified certificates to the technicians, including **HOVHANNISYAN**, that were placed on the walls of **HEALTH GUARD** and the Clinics to make it appear that they were qualified to perform the testing on the specific machines used by **HOVHANNISYAN** and the other technicians. Technicians who worked at **HEALTH GUARD** would establish that the clinic did not possess the equipment necessary to perform some of the diagnostic testing that **HOVHANNISYAN** sent to the third party biller for billing to Medicare and Medicaid.

Patient DiBa would testify about how she received cash from Aram Khlgatian in return for bringing patients to the clinics owned by Khlgatian and his associates. On occasions when DiBa brought patients to the clinics and Khlgatian was not present, other clinic staff owners would pay DiBa the \$50 fee she received for bringing the patients to the clinics. DiBa identified **HOVHANNISYAN** and said that on one occasion **HOVHANNISYAN** paid DiBa for transporting patients to the various clinics.

Patient DoDo would testify that she was transported to Health Plus by DiBa where she had tests administered by Daria Litvinova. After the tests had been completed, Leslie Bennett told her she had to redo the nerve conduction study because it had not come out right. DiBa had left the clinic, so **ANAHIT HOVHANNISYAN** picked her up and drove her to Saturn Medical on Houma Blvd. There DoDo was seen by another physician, Dr. Haskin, and another nerve conduction test was performed. After the test at Saturn, **HOVHANNISYAN** drove DoDo back to Health Plus where Bennett gave her a prescription for Percocet and DoDo was picked up by

DiBa. Billing records would indicate the following services at the named Clinics purportedly provided to DoDo were billed to Medicaid:

- at Saturn on August 4, 2009 - CPT Codes 99204, 93000, 93306 ,95903, 95904, 95934, 94070, 94200, 94240, 94350, 94370, 94720
- at Saturn on August 11, 2009 - CPT Codes 95903, 95904
- at Health Plus on August 18, 2009 - CPT Codes 99204, 93000, 93306, 95903, 95904, 95934, 94200, 94240, 94350, 94370, 94725, 94750.

Patient Visits

Federal Bureau of Investigation (FBI) Special Agent (SA) Andre Jeanfreau would testify about his participation at the search of a storage facility rented by Vadim Mysak on Clearview Parkway. SA Jeanfreau would testify about retrieving hundreds of boxes from Health Guard, as well as boxes from several other closed Clinics. Primarily the boxes contained patient charts.

HEALTH GUARD receptionist Leslie Bennett would testify about procedure order forms routinely placed in patient charts for **HEALTH GUARD** prior to the patient visits. Bennett, Julia Parkulab, Litvinova, and Mysak, all **HEALTH GUARD** technicians, would testify that Dr. Ivanova completed and signed the procedure order forms and superbills ordering the diagnostic testing for the Medicare and Medicaid patients at **HEALTH GUARD**. They would also testify that those superbills were transmitted by **HOVHANNISYAN** to Solo Lucky, Aivazova's company, for the purpose of billing Medicare and Medicaid.

Patient ChBe would testify that she went to Health Plus on Williams Blvd. for an appointment on November 27, 2009, to see Dr. Voight. At that time, she was told Health Plus had been changed to **HEALTH GUARD** and that she had to see Dr. Ivanova instead of Dr. Voight because Dr. Ivanova would be seeing the women from now on. ChBe would be shown

her patient chart containing notes and other documentation from the visit on November 27, 2009. ChBe would testify that the General Medical Sheet that was created on November 27, 2009, found in her patient chart, was not completed by her and that only the first two lines contain her handwriting. ChBe would testify that she did not indicate that she had circulation problems, hypertension, or shortness of breath, as indicated on the form. Expert testimony would establish that these items were likely added to the patient file to justify the medically unnecessary diagnostic testing performed on ChBe on November 27, 2009, February 24, 2010, and March 24, 2010.

David Messina would testify that he worked at **HEALTH GUARD**, a “walk-in clinic,” on Monday thru Thursday, along with **HOVHANNISYAN**. Messina would testify that **HOVHANNISYAN** performed nerve conduction studies and pulmonary tests on **HEALTH GUARD** patients. Patients HeHe, CaAt, and TaLe would identify **HOVHANNISYAN** as a technician who performed diagnostic tests on them at **HEALTH GUARD**. TaLe would explain how **HOVANNISYAN** put things on her toe that caused electricity to run through her foot.

Expert Testimony

Pulmonology: Wendy Naquin and Joe Martinez of Molina, would testify about how many unique beneficiaries visited **HEALTH GUARD** and, of those beneficiaries, how many the clinic billed Medicare and Medicaid, respectively, for having received pulmonary diagnostic procedures. Their testimony would establish the following:

Health Guard			
CPT Code	Description	Medicare Benes (out of 326)	Medicaid Benes (out of 1231)

94070	Evaluation of Wheezing	243 (74%)	930 (76%)
94200	Lung Function Test	326 (100%)	1064 (86%)
94240	Residual Lung Capacity	326 (100%)	1064 (86%)
94350	Lung nitrogen washout curve	326 (100%)	1064 (86%)
94370	Single breath airway closing volume	326 (100%)	1064 (86%)
94720	Monoxide Diffusing Capacity	243 (75%)	930 (76%)

After being established as an expert in internal medicine management and pulmonary medicine, Dr. Leonard Glade would testify about his review of a compilation of over thirty patient files, each containing documentation of multiple visits by patients at **HEALTH GUARD** involving services ordered by Dr. Ivanova.

Dr. Glade would testify about the following:

- General practice clinics usually treat patients with preventative medicine and, among other things, respiratory infections, urinary tract infections, abdominal pain, hypertension, diabetes and preventative medicine.
- His review of patient charts, however, revealed that **HEALTH GUARD** operated as a triage-type center for pain management in that Dr. Ivanova rarely documented preventative medical care, general medicine workups, and follow-ups. The workups Dr. Glade reviewed in the sample files were of a subspecialty nature.
- His review of pulmonary tests allegedly performed by **HEALTH GUARD** illustrated that no representative of the clinics - medical professionals, owners or technicians - exhibited any significant knowledge of how to interpret the pulmonary function tests for which the clinics billed Medicare and Medicaid.

Neurology: Naquin and Martinez would testify about how many unique beneficiaries visited **HEALTH GUARD** and, of those beneficiaries, how many the clinic billed Medicare and Medicaid, respectively, for having received NCVs. Their testimony would establish the following:

Health Guard			
CPT Code	Description	Medicare Benes (out of 326)	Medicaid Benes (out of 1231)
95900	Motor Nerve Conduction Test	265 (81%)	1038 (84%)
95903	Motor nerve conduction test, with F-wave study	350 (100%)	1172 (95%)
95904	Nerve conduction sensory	350 (100%)	1172 (95%)

Dr. Michael Puente would testify that he is a physician who practices with a speciality in neurology. He would testify that he examined the same 30 patient files that Dr. Glade examined, along with the patient files of all of those patients mentioned in the superseding indictment. Dr. Puente would testify as follows:

- Multiple studies claim to have been conducted on the same patients, often times within days or weeks of each other. Generally, one does not repeat these types of studies on the same extremities more often than every few years.
- In almost all cases, almost exactly the same diagnosis of peripheral neuropathy was reported.
- In many cases, charges were placed for 6 motor and 6 sensory nerves despite the fact that only four motor and perhaps eight sensory nerves are reported. Dr. Puente found this to be a clear indication of fraud.
- There are many cases where there is no documented justification for performing studies on patients.
- Dr. Puente would conclude that it was quite obvious to him that most of the information provided to him documented fraudulent evaluation and testing of numerous patients yielding multiple unnecessary tests with inconsistent symptoms and diagnoses.

The testimony of Mr. Martinez and Ms. Naquin would establish that, because of the pattern of ordering unnecessary pulmonary function studies, in addition to the NCVs and cardiac procedures, **HOVHANNISYAN** had to have known that such an overwhelming percentage of

the patient population could not possibly have had a medical need for such extensive diagnostic testing, particularly when almost every patient received these tests at the first and only visit with Dr. Ivanova at each clinic.

Family and/or General Medicine: After being qualified as an expert in family and/or general practice medicine, Dr. Brobson Lutz would testify that he reviewed all of the patient charts of the individuals (25) listed in the pending indictment. Dr. Lutz would testify as follows:

- All diagnostic and therapeutic interventions appeared structured around whatever machines were found in **HEALTH GUARD**.
- There is no evidence that any of the extensive and expensive diagnostic testing was used for medical treatment decisions. The extensive tests were not ordered for any medical or clinical purpose but to drive up billing on behalf of the clinic.

The government's evidence would establish that **HEALTH GUARD** was never engaged in a family or general practice and that the ordering of the medically unnecessary diagnostic procedures and the prescribing of narcotic medication was designed to enhance revenues for the owner.

Self-authenticating documentation from various bank accounts would establish that **HOVHANNISYAN** and **HEALTH GUARD** were paid about \$85,416.46 from **HEALTH GUARD**, Saturn, and Best Medical, the clinic that replaced **HEALTH GUARD** and was owned by co-conspirators.

Medicare and Medicaid representatives would each testify, respectively, about the following billing and payment information:

- Pinnacle paid **HEALTH GUARD** approximately \$778,856 for the services billed.
- UNISYS/Molina paid **HEALTH GUARD** approximately \$1,934,152 for the services billed.

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